UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

| DOCTOR'S DATA, INC., |) |
|---|-------------------------------|
| Plaintiff, |) |
| v. |) Case No. 10-CV-03795 |
| STEPHEN J. BARRETT, M.D., THE NATIONAL COUNCIL AGAINST HEALTH FRAUD, INC., and QUACKWATCH, INC., | Hon. John J. Tharp, Jr.))) |
| Defendants. |) |

PLAINTIFF'S MOTION FOR SUMMARY JUDGMENT

NOW COMES DOCTOR'S DATA, Inc. ("DDI"), by its attorneys, and moves for summary judgment on Count 5 (Libel *per se*) and on Defendants' Affirmative Defenses. In support, DDI submits the attached memorandum of law.

WHEREFORE, DOCTOR'S DATA, INC., Plaintiff, prays that this Court enter an order granting DDI summary judgment on Count 5 (Libel *per se*) and on Defendants' Affirmative Defenses.

Respectfully Submitted,

KULWIN, MASCIOPINTO & KULWIN, LLP.

By: s/Anthony J. Masciopinto
One of the Attorneys for
Plaintiff's Doctor's Data

Respectfully Submitted,

AUGUSTINE, KERN AND LEVENS, LTD.

By: s/Jeffrey Levens
One of the Attorneys for
Plaintiff's Doctor's Data

KULWIN, MASCIOPINTO & KULWIN, LLP.

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CERTIFICATE OF SERVICE

I, Jeffrey B. Levens, an attorney, hereby certify that on February 18, 2014, I caused true and correct copies of the foregoing Motion For Summary Judgment, DDI's Memorandum in Support of Its Motion for Summary Judgment, and Local Rule 56.1 Statement of Material Facts and accompanying exhibits to be sent to all parties via the court's electronic filing system. I further certify that I caused unredacted copies of the same to be sent via e-mail to:

Attorneys for Defendants:

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> /s/ Jeffrey B. Levens Jeffrey B. Levens

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